

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND DEVICE FOR VARIABLE OPTICAL ATTENUATOR

the specification of which:

(a) is attached hereto; or

(b) was filed on 05 Sept. 2003 as Application No. 10/656,009 or Express Mail No., as Application No. not yet known _____ and was amended on _____ (if applicable); or

(c) was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119	
NORWAY	20024265	06.09.2003	<input checked="" type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)Application No. 60/409,126 Filing Date: 06.09.2002 Status: _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Anders Malthe-SørensenInventor's signature Anders Malthe-Sørensen Day 01 Month 12 Year 2003Residence (city and country): Lysaker, NorwayCitizenship: NorwegianPost Office Address: Kileveien 66, N-1366 Lysaker, NorwayFull name of second inventor: Even ZimmerInventor's signature Even Zimmer Day 01 Month 12 Year 2003Residence (city and country): Horten, NorwayCitizenship: NorwegianPost Office Address: Rustadgaten 22, N-3187 Horten, NorwayFull name of third inventor: Trond NatastadInventor's signature Trond Natastad Day 01 Month 12 Year 2003Residence (city and country): Nykirke, NorwayCitizenship: NorwegianPost Office Address: Sløyfeveien 11, N-3180 Nykirke, NorwayFull name of fourth inventor Bengt JacobsonInventor's signature Bengt Jacobson Day 01 Month 12 Year 2003Residence (city and country): Stockholm, SwedenCitizenship: SwedishPost Office Address: Frejgatan 34, SE-113 26 Stockholm, Sweden

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

ASSIGNMENT

WHEREAS, I/WE (1) Anders MALTÉ-SØRENSEN
 a Norwegian citizen, residing at Kileveien 66, N-1366 Lysaker, Norway

(2) Even ZIMMER
 a Norwegian citizen, residing at Rustadgaten 22, N-3187 Horten, Norway

(3) Trond NATERSTAD
 a Norwegian citizen, residing at Sløyfeveien 11, N-3180 Nykirke, Norway

(4) Bengt JACOBSON
 a Swedish citizen, residing at Frejgatan 34, SE-113 26 Stockholm, Sweden

hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in Method and device for variable optical attenuator, the specification of which:

(a) D was executed on even date herewith;

(b) D was filed on 5 Sept. 2003 as D Application No. 100/656,009 or D Express Mail No., as Application No. not yet known _____ and was amended on _____ (if applicable); or

(c) D was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

AND WHEREAS, Photonyx AS, with its principal place of business at Kongeveien 77, N-3188 Horten, Norway, (hereinafter referred to as Assignee) desires to acquire the entire right, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements. I testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

COPY
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IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This 01 day of December, 20 03

Signature of Anders Malthe-Sørensen

This 01 day of December, 20 03

Signature of Even Zimmer

This 01 day of December, 20 03

Signature of Trond Næstad

This 01 day of December, 20 03

Signature of Bengt Jacobson

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